

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOSH and CHRISTINA HOLDEN,)
Individually and as Parents and Guardians of)
their Minor Child, TIMOTHY HOLDEN,)
Plaintiff,)
v.) NO. _____
MICHAEL KALEBIC,) JUDGE _____
and) MAGISTRATE JUDGE _____
WATKINS & SHEPARD TRUCKING,)
INC.,)
Defendants.)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1332, 1441, and 1446, Defendants, Watkins & Shepard Trucking, Inc. and Michael Kalebic (“Defendants”) by counsel, file this Notice of Removal of this action from the Circuit Court in Anderson County, Tennessee, where it is now pending, to the United States District Court for the Eastern District of Tennessee at Knoxville based upon diversity of citizenship and an amount in controversy exceeding \$75,000.00. The grounds for removal are as follows:

Procedural Background

1. This action was commenced on or about September 1, 2017 by Plaintiffs filing of the Complaint in the Anderson County Circuit Court, Case No. B7LA0131 (the "Complaint"). True and accurate copies of the pleadings served upon the Defendants in this action are attached as **Exhibit A**.

2. The Complaint was served on Watkins & Shepard Trucking, Inc., on or about September 18, 2017, by service upon its registered agent. The Complaint was served on Michael Kalebic on or about September 19, 2017. The Notice of Removal is being filed within thirty (30) days after service of the Complaint in the matter; therefore, the removal is timely in accordance with 28 U.S.C. § 1446.

3. The Complaint contains allegations of negligence and negligence per se and seeks \$2,000,000.00 in compensatory damages: (Complaint, pp. 3 – 4).

4. The Plaintiffs are citizens and residents of LaFollette, Campbell County, Tennessee. (Complaint, Paragraph 1).

5. The Defendant, Watkins & Shepard Trucking, Inc. is a corporation organized under the laws of the State of Montana, with its principal place of business in Green Bay, Wisconsin. (See Complaint, Paragraph 1). Mr. Kalebic is a citizen and resident of Las Vegas, Nevada. (Complaint, Paragraph 1).

6. The United States District Court for the Eastern District of Tennessee at Knoxville has original jurisdiction over this action pursuant to 28 U.S.C. § 1332 as there is complete diversity of the parties, and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

7. A copy of this Notice of Removal is being served by United States mail on counsel for Plaintiffs, and a Notice of Filing of Notice of Removal is being filed with the Anderson County Circuit Court in accordance with 28 U.S.C. § 1446(d). (Copies of those notices are attached as **Exhibit B**.) The necessary filing fees have been paid simultaneously with the filing of the Notice of Removal.

8. Defendants demand a jury to try this case.

WHEREFORE, Defendants, Watkins & Shepard Trucking, Inc. and Michael Kalebic, pray this Court consider the Notice of Removal as provided by law governing removal of cases to this Court and that this Court enter the appropriate orders to effect the removal of this case from the Anderson County Circuit Court to this Court.

Respectfully submitted,

LEWIS THOMASON

By:/s/ John R. Tarpley

John R. Tarpley, BPR # 9661
424 Church Street, Suite 2500
P.O. Box 198615
Nashville, TN 37219
(615) 259-1366

Attorneys for Watkins & Shepard Trucking, Inc.
and Michael Kalebic

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing document has been served on the following counsel of record by placing postage prepaid envelope in United States Mail Service, addressed to:

Timothy M. McLaughlin, Esq.
Nassios & McLaughlin, PLLC
6200 Baum Drive, Suite 103
Knoxville, TN 37919
(865) 637-4223

This the 17th day of October, 2017.

/s/ John R. Tarpley